REQUEST FOR BOARD ACTION

ITEM NO. 3

DATE OF MEETING: April 7, 2015

REQUESTED BY: Melissa Pedersen, Administrative Assistant

SHORT TITLE: Approval of Minutes: Regular & Closed Session March 16, 2015.

BACKGROUND: N/A.

SPECIFIC ACTION REQUESTED: Review and approve the minutes.

MONDAY, MARCH 16, 2015 – 4:00 p.m.

The Pender County Board of Commissioners met in regular session on Monday, March 16, 2015 at the Commissioner's Public Assembly Room, 805 S. Walker St., Burgaw, NC 28425.

MEMBERS PRESENT: David Williams, Chairman, presiding; Vice Chairman George Brown; Commissioners Fred McCoy, David Piepmeyer, Jimmy Tate.

OTHERS PRESENT: Randell Woodruff, County Manager and Clerk to the Board; Trey Thurman, County Attorney; Melissa Pedersen, Deputy Clerk to the Board; Sylvia Blinson, Interim Finance Director, other staff and members of the Press and public.

CALL TO ORDER
Chairman Williams called the meeting to order at 4:01 p.m. and thanked and welcomed all to the meeting.

INVOCATION
Commissioner McCoy offered the Invocation.

PLEDGE
Commissioner Brown led the Pledge of Allegiance.

EXCUSE COMMISSIONER
Mr. Brown made a motion to excuse Mr. Tate who was running a few minutes late, Mr. McCoy seconded the motion and it was unanimously approved by a 4-0 vote.

ADDENDUM
Chairman Williams explained: An email went out from Ms. Blinson requesting a few Budget Amendments be added to the Agenda to take care of some housekeeping in regards to transfer of water fees, a general fund transfer of capacity fees, and a fund balance appropriation transfer for Waste Water Treatment Plant operations. Mr. Brown made a motion to add these items to the agenda, Mr. Piepmeyer seconded the motion and it was unanimously approved. Mr. McCoy made a motion to approve all three items together, Mr. Brown seconded the motion. Mr. Brown then asked if the current water fees were sufficient or not. Ms. Blinson explained that Pender County does not have sufficient water customers because the system is still fairly new. Ms. Blinson stated that this is something that will need to be addressed during budget time. Mr. Piepmeyer asked what the break-even number of customers is and Mr. Mack explained that 7000 customers is the breakeven number. As of right now, Pender County has about 6100 customers. Mr. Mack stated that the goal is to increment the rates up every year, not all at one time.

PUBLIC INFORMATION
1. Discussion of Items of Concern and Projects Relating to Pender County.
Mr. Steve Keen, Eastern District Director, Governor McCrory's Office, addressed the Commissioners and citizens publically on behalf of the Governor regarding items of concern and projects directly relating to Pender County. Some of the items he discussed were: growth on both the state and county level; economic growth; schools; the proposed biennium state budget; job creation; Medicare and Medicaid; safety; and infrastructure. Mr. Keen told the commissioners as well as the public to be proud of the state, county, and schools. Mr. Williams thanked Mr. Keen for taking the time to come talk to the

Commissioners and public. Mr. Keen reiterated to the Commissioners to pass along any concerns they may have to him and he will pass them along to the Governor. Mr. Brown also thanked Mr. Keen for attending and expressing his interest in helping Pender County.

2. **Discussion of a Fox Trapping Season in Pender County.**
Sgt. David Jordan with the NCWRC Division of Law Enforcement gave a presentation regarding a Fox Trapping Season in Pender County. Sgt. Jordan discussed Senate Bill 173 that has been introduced by State Senator Rabon and State Senator Lee for a Fox Trapping Season in New Hanover County. He stated that the NC Wildlife Association is neutral on this bill. Sgt. Jordan suggested that if Pender County was interested, there was a short time left to tack onto the Bill for New Hanover County. He did stress that there was not much time if this was something that Pender County was interested in. Sgt. Jordan reviewed the Senate Bill with the Commissioners. Discussion ensued as to the current laws for trapping and hunting foxes and coyotes; the reasons for trapping foxes; how coyotes came to Pender County; other county's that currently have a fox trapping season; and rabies in these animals.

3. **Discussion of Relay for Life Being Held at the Courthouse Square on April 18, 2015.**
Tiffany Fountain, the Community Manager for Pender County's Relay for Life began her presentation by showing a video on what Relay for Life is and how it started. After the video she shared the details of the upcoming Pender County Relay for Life event coming to Burgaw on April 18th. Ms. Fountain invited the Commissioners and the public to the event. Mr. McCoy stated that the folks who work relay do an outstanding job. Ms. Fountain thank the Board for their time.

4. **Presentation and Discussion on the School Bond Process.**
Bob Jessup with the firm SanfordHolshouser presented to the Commissioners the process for the school bonds. Mr. Jessup explained: Now that the Bonds have been approved by the voters, there is a 90 day process before the bonds can be sold. First the Commissioners need to decided how much of the bonds they want to issue and when. Once that is decided, the 90 day process of approaching the Local Government Commission and establishing a schedule of all the other activities. There are three things that can effect that 90 day process. First, the LGC has a rule that once you get to November, a County cannot issue bonds until its audit from the previous year is completed. Second, the LGC wants to understand how the first issue of bonds fits into the overall plan. Mr. Jessup stated that the LGC is not judging the plan but they want to make sure that the Governing Body understands the plan. Lastly, they also want the County to be able to understand the repayment plan and recite that. Mr. Williams mentioned that the plan is to finish taking care of the Bonds that the County has been working on since before this Bond was approved by the voters. Mr. Williams then asked that if all goes well in April with those bonds, when can Pender County can sell bonds. Mr. Jessup stated that the closing for the first round of Bonds is April 23, 2015. Mr. Jessup stated that Pender County could start the second round right after that closing which would put a release on funds as early as July. Mr. Brown asked about times for selling the bonds and Mr. Jessup reiterated the blackout period. Mr. Piepmeyer asked what takes up the bulk of the 90 days. Mr. Jessup responded by explaining the preparation of the issue to bring the market including updating the prospectus and working with the financial advisor to introduce the bond issue to the rating agencies. The Board thanked Mr. Jessup for his time.

5. **Presentation on Pender County's Broadband Efforts.**
Mr. Breuer explained: Staff has been working with the North Carolina Broadband Division of the Department of Commerce, which has been relocated to the Office of Digital Infrastructure, under the State's Office of Information Technology Systems (OITS) to gauge deficiencies and demand of

broadband infrastructure throughout the county, particularly in unserved and underserved areas. Mr. Breuer introduced Mr. Semple from the NC Office of Information Technology Systems to begin the presentation. Mr. Semple reviewed statistics of the number of people who use internet. He then reviewed laws regarding billing for broadband and the county's ability to provide the broadband internet. Mr. Semple then introduced Mr. Frenzel from ECC Technologies to elaborate on the efforts to provide broadband to Pender County. Mr. Frenzel discussed the information that had been gathered during a study such as Provider territories, Central Offices, Fiber Optic and Coaxial Cabling Routes, Remote Terminals, Wireless and Water Towers, and ED site resources. Mr. Frenzel also discussed possible locations for housing these broadband systems. He showed two maps which included fiber lines and providers and ways to provide broadband to citizens. He then handed the podium back to Mr. Breuer. Mr. Breuer then gave a summary of the efforts that staff in Pender County has made. He discussed the outreach to citizens. Mr. Piepmeyer asked how many signed up requesting broadband services. Mr. Breuer stated that there were about 600 requests from unserved and underserved customers. Mr. McCoy asked about Satellite Internet. Mr. Breuer explained that the county is trying to provide a wireless signal. Mr. Brown asked about providers. Mr. Breuer explained that there were about 8-10 providers interested initially who came to listen to the needs of Pender County. Mr. Williams thanked staff for working on this project. Mr. Breuer stated that he is hoping to have a contract available at the next meeting. There being no further discussion, Mr. Breuer asked that those who have questions please direct them to him.

6. **Update from FOCUS and Project Summary of Grant Activities, Deliverables, and Future Steps for Implementation.**

Al Sharp, Project Director, FOCUS, has been actively coordinating with local governments and regional organizations to identify opportunities to cooperatively engage, coordinate resources, leverage investments and support common goals. Adrienne Cox, Project Manager, presented a project summary of grant activities, deliverables, as well as future steps for the data set and implementation. Items that Ms. Cox discussed included: Collaboration; Regional Initiatives; Population Growth both locally and regionally; Regional Strategies; an overview of Key Findings from the study; and Regional Options. Ms. Cox also explained that all of this data is free to the public and is housed at the Cape Fear Council of Governments. Ms. Cox then thanked the Board for their time.

7. **Wilmington Metropolitan Planning Organization (WMPO) Opening of Public Comment Period for Cape Fear Transportation 2040 Long Range Plan.**

Bethany Windle, Associate Planner, WMPO, presented a set of draft project lists and maps intended to display projects proposed for inclusion in the Cape Fear Transportation 2040 long-range transportation plan. These lists and maps are in draft format only and are provided to solicit comment on the proposal at seven open houses in the WMPO planning jurisdiction. Ms. Windle reviewed the districts of the WMPO. She then introduced Mr. Al Friemark to go into further detail. Mr. Fiemark discussed the modes of transportation that were analyzed that effect Pender County. Mr. Friemark then turned the podium back to Ms. Windle who discussed developing projects and alternative funding. Mr. Friemark stated that the Public Comment period which is held once every five years is April 1-30, 2015. The Pender County public open house will be held Thursday, April 23rd from 4p.m.-6p.m. at the Pender County Hampstead Annex. Discussion ensued on how the plan is implanted from the planning stage. Mr. Williams thanked the WMPO for their time.

8. **Presentation and Acceptance of the FY 13-14 County Audit.**

Alan Thompson of Thompson, Price, Scott, Adams & Co., P.A. presented the FY 13-14 County audit. The audit has been completed and delivered to the County and LGC. Mr. Thompson explained: The Audit

and the Presentation Summary has been handed out to the Commissioners. The LGC has reviewed and signed off on the audit and Mr. Thompson stated that an unmodified report has been issued and it was a good report. Mr. Thompson thanked both Sylvia Blinson, Interim Finance Director and Bob Murphy, previous Interim County Manager for helping to get this audit completed. Mr. Thompson reviewed the significant audit findings first: There were no difficulties in preparing the audit; no uncorrected misstatements; no disagreements with management; management did provide a representation letter dated February 5, 2015; and the firm is unaware if the county consulted any outside audit firms. On page three of the Presentation Summary, Mr. Thompson reviewed: there are carryovers from the previous audit and the County will get another unkind letter from the LGC, but the County should know that the previous issues have been corrected and with new staff in place, the County should not get anymore letters like that from the LGC. Mr. Thompson reviewed things that the County should and should not do going forward with regards to record keeping and budgeting. Mr. Thompson asked the commissioners to turn the page as he reviewed numbers and compared them to the previous year. Mr. Thompson stated the total General Fund Balance was at $28,957,539. He compared this to previous years to note the decline of the balance. The Unavailable Fund Balance is $16,018,145 showing an increase from years past, the same with the Restricted Fund Balance at $20,888,451. General Fund Expenditures were $51,758,690 which he noted was not an uncommon increase with the growth of the County. Mr. Thompson talked about the decline in the percent of available General Fund Balance (including transfers) and Unassigned Fund Balance Expenditures (excluding transfers). He noted that there has been a $10 Million drop in the last five years. Mr. Thompson stated that this is because the General Fund loans money to other Funds and essentially what will have to happen is these funds will have to be repaid to the General Fund. Mr. Williams stated that this is what the Board will be taking care of in April with the Bond sell. Mr. Thompson then went on to review Water & Sewer Funds; Resource Recovery Funds; Total Fixed Assets; and Cash versus Fund Balance. Mr. Piepmeyer asked for clarification on increase in infrastructure and anticipating the growth that is coming with spending this money, justifying the increase in assets and a decrease in General Fund Balance. Mr. Thompson told Mr. Piepmeyer that he has an accurate understanding. Mr. Thompson also stated that Pender County will also need a Finance Officer who is really on top of things for the growth that is coming and be able to stay in a good position. Next, Mr. Thompson discussed Property Tax Rates and Collection Percentages. Mr. Thompson noted the increase and stating that this number should continue to rise because of how vehicle tax is now collected. Mr. Thompson then moved on to County debt. The total County debt is 53,143,393 which is a decrease in the last five years however business debt has come up. Mr. Thompson then continued with a breakdown by department. Then he showed several charts in the presentation to show and explain: Analysis of Fund Balance; Analysis of Fund Balance Available; Analysis of Revenues Over (Under) Expenditures before Transfers; Cash vs. Accumulated Depreciation; Analysis of Cash and Fund Balance; Property Valuation and Levy Amount; Property Tax Rates and Collection Percentages; Debt Analysis including Schools; and a breakdown of General Fund Revenue and Expenditures. To summarize, Mr. Thompson stated that Ms. Blinson has done a great job getting things corrected and there is still work to be done but Pender County is in a much better position than it was. Board Member's comments included:

Mr. Williams – It is amazing that a few years ago, Pender County was winning awards on Budgets and how hiring the wrong individual can negatively affect things fast. He also stated that Pender County is moving forward doing the best it can. He ended by thanking those who have helped get the finances straightened out.

Mr. McCoy – Thanked Ms. Blinson for her outstanding job and stating that things are moving forward and he is proud of that.

PUBLIC COMMENT

Joshua Harler of Wilmington stated that he wants to move into Pender County; however, the exotic animal ordnance is preventing him from doing so and he feels that it is wrong to ban an educated owner. He stated that he is a reptile owner and he is willing to work with the county and is willing to help it adjust the ordnance if needed.

Jim Dyer of 207 Golf Terrace Court, Hampstead, talked about the proposed Hampstead Bypass. He expressed his concern regarding the proposed middle interchange and stated that he felt it was questionable and possibly not needed. Mr. Dyer stated that he feels more can be done.

Karen Harding of 318 S. Walker Street, Burgaw, expressed her concern regarding the cut down trees at the courthouse. She stated that it is important to the residents of Burgaw to maintain the appearance of the Courthouse square. She stated that in the past, the public was notified and she was concerned that there was no report or notification. Mr. Williams assure Ms. Harding that all of the same procedure was taken except the notification and assured her that will not happen again.

CONSENT AGENDA

Chairman Williams presented the three items on the Consent Agenda and asked for any discussion or questions. There being none, Mr. Brown made a motion to approve the Consent Agenda, Mr. McCoy seconded the motion and the Consent Agenda was unanimously approved as follows:

9. Approval of Minutes: Regular & Closed Session February 17, 2015 and Special Meeting February 19, 2015.
10. Resolution Accepting Petition to Morning Dove Lane, Watha, to the State Maintained System, and Authorizing the County Manager to Submit the Petition to N.C. Department of Transportation.
11. Resolution Accepting Petition to Pine Needle Way in Brookwood Estates Subdivision, Hampstead, to the State Maintained System, and Authorizing the County Manager to Submit the Petition to N.C. Department of Transportation.
12. Authorization of a Budget Amendment for the County Manager Departmental Budget.
13. Authorization of a FY 14-15 Budget Amendment to Accept Emergency Management Performance Grant Funds: $20,625.00.
14. Authorization of Tax Releases and Refunds.

RESOLUTIONS

15. **Resolution of Final Approval on Financing for Various County Projects, Including Old Topsail School Renovation and Pender Commerce Park Wastewater Treatment Plant.**

Mr. Woodruff explained that this is a resolution for the final approval for these projects listed. He added that Mr. Jessup was available to any questions. Mr. McCoy stated that he had concerns regarding project overruns in regards to budgeting. He requested that this be addressed to the board immediately and that the departments make sure that these projects are not overrunning. Mr. McCoy also stated that in regards to the fuel depot that he believes two depots would have been plenty with one on the east side and one on the west side of the County. Mr. Piepmeyer asked if we had a policy in place for project overruns. Mr. Woodruff stated that we should and that the board should be kept updated on a monthly basis of changes and significant cost overruns. Not only should it be policy or not but it is good financial management to do that. Discussion then ensued on how things have been done in the past and how they should be done in the future. Mr. Piepmeyer asked that if there is not a policy in place that one be created. There being no

discussion, Mr. Brown made a motion to approve the item, Mr. McCoy seconded the motion and it was unanimously approved.

CLOSED SESSION

At 6:42 p.m., Mr. Brown made a motion to enter into closed session, pursuant to NCGS 143-318.11: 3) to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged. General policy matters may not be discussed in a closed session and nothing herein shall be construed to permit a public body to close a meeting that otherwise would be open merely because an attorney employed or retained by the public body is a participant. The public body may consider and give instructions to an attorney concerning the handling or settlement of a claim, judicial action, mediation, arbitration, or administrative procedure. If the public body has approved or considered a settlement, other than a malpractice settlement by or on behalf of a hospital, in closed session, the terms of that settlement shall be reported to the public body and entered into its minutes as soon as possible within a reasonable time after the settlement is concluded; 4) to discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations. The action approving the signing of an economic development contract or commitment, or the action authorizing the payment of economic development expenditures, shall be taken in an open session; and 6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee. General personnel policy matters may not be considered in a closed session. A public body may not consider the qualifications, competence, performance, character, fitness, appointment, or removal of a member of the public body or another body and may not consider or fill a vacancy among its own membership except in an open meeting. Final action making an appointment or discharge or removal by a public body having final authority for the appointment or discharge or removal shall be taken in an open meeting. Mr. Piepmeyer seconded the motion and it was unanimously approved. The Board exited the Closed Session at approximately 7:52 p.m. There were no announcements made upon exiting the Closed Session.

16. **Resolution of Support for an Alternative Governance Structure for the Area Authority Serving Pender County.**

Foster Norman with Coastal Care explained: The plan is to have one region in the east, one in the west, and two in the central part of the state. Per this plan, CoastalCare and East Carolina Behavioral Health have entered into an agreement to consolidate these two entities effective July 1, 2015. The new entity will cover twenty-four counties with an estimated population of 1,260,778. North Carolina General Statute 122C-118.1 outlines the requirements related to the governance structure of these entities. N.C. G.S. 122C-118.1 (a) states that "an area board shall have no fewer than eleven and no more than twenty-one voting members". This presents a problem for an entity with more than twenty-one counties, as some county (s) would have no representation on the area board. However, 122C-118.1 (a) also allows a multi-county area with a catchment area of at least 1,250,000, the option to appoint members in a manner or with a composition other than as required. Our proposal involves a two tiered approach. First, we will create three regions in the twenty-four county area: Northern Region consisting of ten counties, Central Region consisting of eight counties, and the Southern Region consisting of six counties. The Southern Region will consist of Brunswick, Carteret, Jones, New Hanover, Onslow, and Pender Counties. Each region will have a regional director that will serve as the liaison to each county and to community

stakeholders. The first step of the two tier approach would require each county in the region to appoint two citizens to a Regional Advisory Board. Each regions Chair of the Consumer and Family Advisory Committee (CFAC), would also serve on the regional board. Thus, the Southern Region would consist of thirteen members. Step two of the process requires each of the regional boards to appoint four members to the Area Board. The twenty-four county Provider Council Chairperson would also serve on the Area Board, thus creating a Board membership of thirteen people. In order to implement this two tiered alternative structure, each of the twenty-four counties Board of Commissioners must pass a resolution supporting the plan. The DHHS Secretary must also approve, and that has already been done. Discussion ensued regarding the structure of the Governance Board; the large area covered and travel; other counties who have approved this resolution; and effects of this resolution on service and response. Mr. McCoy made a motion to approve this resolution, Mr. Piepmeyer seconded the motion. Mr. Tate asked for clarification whether services will be effected or remain the same. Mr. Norman assured Mr. Tate that services will remain the same. There being no further discussion, the resolution was unanimously approved.

17. **Authorization of a Purchase Order for Day Care Provider Payments: $132,500.00.**
Health Director Carolyn Moser explained: Pender County has agreements with approximately sixty child day care providers. Counties receive an annual child care allocation based on a formula approved by the General Assembly. Board approved $1,438,000.00 in Day Care payments July 7, 2014. The Providers listed below have expended funds; or will expend funds prior to June 30, 2015. Five are new providers who were not on the July 7, 2014 Request for Board Action. Ms. Moser stated that this has been budgeted for. There being no discussion, Mr. Brown made a motion to approve the item, Mr. McCoy seconded the motion and it was unanimously approved.

18. **Resolution Authorizing Pender County to Enter into a Contract with Holland Consulting Planners to Develop a Regional Hazard Mitigation Plan.**
Emergency Management Director Tom Collins explained: In October 2014, the Board approved Pender County to enter into a Hazard Mitigation Program with New Hanover and Brunswick Counties. NCEM offered to Brunswick, New Hanover and Pender counties if the counties would agree to join together in a regional hazard mitigation plan they would prioritize us as one of the application which will fall into a $250,000 allocation. After careful consideration and discussions with the other counties as well as NCEM Pender County agreed to the regional plan. The application will be submitted to NCEM by the 16th of July for a $65,000 Federal Share, local share of $21,666.67 to be split among the participants for a total budget of $86,666.67. The Pender County Commissioners approved the Grant on October 20, 2014 for $65,000.00. The Request for Proposal was advertised and there were four responses. Holland Consulting Planners was the top bidder and did the Hazard Mitigation Plan for Pender County in 2011 and are familiar with Pender County. Mr. Collins also stated that the Contract is not to exceed $60,000. The first kickoff meeting with the consultant is this week and then all meetings from there on out will be in Pender County. Mr. Piepmeyer asked how often this has to be done. Mr. Collins responded stating that a Hazard Mitigation Plan is due every 6 years but since this is now on a regional timeframe as FEMA wants it, we have to start the process now because New Hanover and Brunswick's HMP's expire sooner than Pender County's does. There being no further discussion, Mr. Brown made a motion to approve the resolution. Mr. Piepmeyer seconded the motion and it was unanimously approved.

19. **Resolution Authorizing Execution of Contractual Agreement: Transform Health; and Authorizing Issuance of Purchase Order to Transform Health in the Amount of $82,505.40 for Inmate Medical Care in the Pender County Jail.**

Sheriff Carson Smith explained: Pender County's contract with Southern Health Partners to provide health services to the inmates in the Jail will be in place through March 31, 2015. We will contract inmate medical services to Transform Health effective April 1, 2015 that will be effective through the end of the current fiscal year. The jail anticipates continuing this contract in the FY15/16 budget. The contract includes nurses on staff 140 hours a week and inmate medical care and review. Sheriff Smith also stated that this request is also for a Purchase Order to get through the end of the current fiscal year. Mr. Piepmeyer asked about contract renewal and Sheriff Smith explained that this contract will automatically renew each year in July for the next five years. There being no further discussion, Mr. Brown made a motion to approve the resolution. Mr. McCoy seconded the motion and it was unanimously approved.

20. **Resolution to Approve a "Conditional Award" of the Lump Sum Base Bid Less the Alternate Deduct Bid No. 1 for Phase II of the Pender Commerce Park Wastewater Treatment Plant Construction and Authorization of a Purchase Order for the Contract to RTD Construction, Inc. (RTD) in the Total Amount of $12,003,669.00.**

Utilities Director Michael Mack explained: The County is ready to embark on Phase II of the Wastewater Treatment System. Pender County was contractually required to accept up to 80,000 gallons per day of wastewater flow from Acme Smoked Fish beginning October. 1, 2014 until such time as the Pender Commerce Park WWTP was operational. During the interim the wastewater flow has been treated at the Town of Wallace Wastewater Treatment Plant by way of a pump and haul permit previously approved by the Board of County Commissioners on Sept. 15, 2014. In addition the Pender Commerce Park WWTP – Phase 1 has been under construction since the resolution of award of contract on Feb. 18, 2014. Five Formal Bids were received and opened on Dec. 18, 2014. The responsive low bidder is RTD Construction, Inc. and the Recommendation of Award to RTD Construction, Inc. Mr. Mack stated that that RTD Construction, Inc. understands that the County is waiting for LGC approval before the contract can be signed. Mr. Mack also stated that since the resolution was written, the project has received EDA approval. Mr. Piepmeyer asked about the construction time, Mr. Mack answered that there are 12 month to substantial completion and 15 months to final completion. Mr. Williams asked how much grant funding was received for this project. Mr. Mack responded that there was $3.925 Million in grant funding awarded for this project. There being no further discussion, Mr. Tate made a motion to approve the resolution. Mr. McCoy seconded the motion and it was unanimously approved. Mr. Mack invited the board to attend progress meetings through this process.

21. **Authorization to Change the Commissioner Meeting Schedule from the First and Third Monday Monthly to a Second and Fourth Monday Meeting Schedule.**

Commissioner Piepmeyer explained: This is something that has been discussed, but it was not on the Agenda at the time for a vote. Mr. Piepmeyer also mentioned that the reason for this change is because of the conflict of the Commissioner Meetings with the School Board meetings which he stated he would like to attend. Mr. Williams also stated that this will be good for the School Board so that their members can attend the Commissioner Meetings as well. Mr. Williams stated that if the schedule does not work, it could always be changed back. Mr. Woodruff stated that this calendar will be good through December. Mr. Brown asked if this change could be delayed until May because of the DSS Board he serves on since the schedule would conflict. Mr. Tate also stated that he thought this was a good change because it opens up another opportunity for citizens to attend. There being no further discussion, Mr. Brown made a

motion to approve the change starting in May. Mr. Piepmeyer seconded the motion and it was unanimously approved.

ROCKY POINT WATER & SEWER DISTRICT

The Board of Commissioners convened as the Rocky Point Water & Sewer District Board at 8:19 p.m.

22. **Resolution by the Board of Directors of the Rocky Point/Topsail Water and Sewer District Accepting the Deed of Dedications for the Conveyance of Title to the Water Distribution Systems Properly Installed to Serve Hampstead Landing – Phase 1 Section B, Tractor Supply, and Wyndwater – Phase 1.**

Utilities Director Michael Mack explained: In accordance with the Pender County Water and Sewer Ordinance, Article XII, Subsection II, 5.a: submission of a Deed of Dedication is required for acceptance of any new water and/or sewer extensions constructed to serve any structure within a subdivision prior to the commencement of water and/or sewer service by the District. With acceptance of these improvements, the conveyance of title to these infrastructure improvements will occur and the District will become responsible for the permanent maintenance of these improvements. Staff is recommending acceptance of the respective project infrastructure improvements: Hampstead Landing – Phase 1 Section B: 200 LF 6" watermain on West Conolly Drive, 380 LF 2" watermain on West Conolly Drive, 870 LF 6" watermain on Winslow Drive, 3 fire hydrants, valves, and related water appurtenances; Tractor Supply: 315 LF 6" watermain and related water appurtenances; and Wyndwater – Phase 1: 1,970 LF 8" watermain on West Craftsman Way, 542 LF 6" watermain on South Lamplighters Walk, 200 LF 6" watermain on North Lamplighters Walk, 798 LF 2" watermain on an unnamed road in a future development area, 4 fire hydrants, valves, and related appurtenances. All of the above improvements have been inspected, engineer certified, and issued Final Approval by the NCDENR – Public Water Supply Section. There being no discussion, Mr. Brown made a motion to approve the Resolution. Mr. McCoy seconded the motion and it was unanimously approved.

SOCIAL SERVICES BOARD

The Board convened as the Social Services Board at 8:21 p.m. Chairman Williams asked if there was any business that needed attention. There being none, the Board reconvened as the Board of Commissioners at 8:21 p.m.

APPOINTMENTS

23. **Approval of Appointments to the 2015 Pender County Board of Equalization and Review (BOER).**

Mr. Brown asked if there were any new applications. Ms. Pedersen answered that no new applications had been submitted. There being no further discussion, Mr. Brown made a motion to appoint all five members of the Board of Equalization and Review and to appoint Mr. Bryant Shepard as Chairman. Mr. McCoy seconded the motion and it was unanimously approved. Mr. Tate asked about term limits and stated his concern that there have been no new members on this board in many years. Mr. Brown asked if any of these positions could be reappointed at any time. Ms. Pedersen explained that there is still a vacant seat on the board should anyone apply. Mr. Brown asked Mr. Thurman to look into appointment lengths and statutes for these positions. Mr. Thurman advised the Board that these appointees only serve for a short time before they adjourn for the year and are reappointed every year. Mr. Woodruff stated that in many counties, the Board of Commissioners serve in this role. Mr. Tate stated that he is concerned that no one from his district serves on this board.

24. **Boards/Committees/Commissions on which Commissioners Currently Serve and Discuss Possible Modifications.**

Mr. Piepmeyer explained that he has a scheduling conflict with one of his boards. The change has to do with the Coastal Care Board changes and travel. Along with serving on other Boards, it is hard to work as well. Mr. Piepmeyer assured that his is not trying to skirt out of his duties, he is just trying to make the Board aware of the time constraints that he is under. Mr. Williams suggested appointing a willing volunteer to fill that seat. Mr. Woodruff stated that he believes Mr. Hall has some people in mind to fill this position. Mr. Tate asked about meeting locations, and that it should be disclosed to whoever is appointed. Mr. Tate asked about the PriorityOne board. Mr. Williams stated that he will clarify whether this would be continued or not. Mr. Tate stated that he has no problem with Mr. Williams and Mr. Brown serving in this position. Mr. Williams stated that this could always be revisited under items at any meeting.

PUBLIC INFORMATION

25. **Presentation of Two Potential Zoning Text Amendments to Pender County's Unified Development Ordinance Revising Requirements for the Planned Development Zoning District and Revising the Process for By-Right Development Review.**

Mr. Breuer introduced Mr. Hiram Williams, Planning Board Chairman to make some comments. Mr. Williams stated that Pender County has a great Planning Board and Staff. He recalled the presentation from FOCUS telling the Board that if the County population does double in the next twenty years, that Pender County better do a good job. Mr. Williams turned the podium back over the Mr. Breuer.

Planning Director Kyle Breuer explained: Staff will be presenting information on two potential zoning text amendments to Pender County's Unified Development Ordinance. Following input from the Board of Commissioners, Staff will prepare and present the two text amendments to the Planning Board on April 8, 2015 and to the Board of Commissioners on April 20, 2015 for final adoption.

One zoning text amendment will revise requirements for the Planned Development zoning district. The PD, Planned Development zoning district standards address large, multi-use developments that may be seeking the "tradeoff" for flexible regulation that may be more inclusive in regards to having a mix of uses within one overall project design. As there are some properties which are currently zoned PD, Planned Development zoning district, the Unified Development Ordinance currently offers no objective guidance for development or change of use on PD, Planned Development zoned tracts that are not part of a Planning Board approved Master Development Plan. As the Master Development Plan is subjectively reviewed by the Planning Board and requires a mix of commercial and residential uses there is difficulty for Staff to provide professional guidance, and does not provide the developer with any level of certainty of approval. In an effort to address these types of requests and still maintain the PD, Planned Development zoning district, Staff is exploring a text amendment to the Unified Development Ordinance language.

A second zoning text amendment is proposed based on customer service and efficiency improvements for by-right development proposals. If the project meets Unified Development Ordinance standards then it must be approved. Currently, by-right development proposals are heard in public hearing before the Planning Board as a Master Development Plan. The proposed amendment will revise the process for by-right development review, proposing to remove the requirement of a Master Development Plan and public hearing for this type of development only.

PUBLIC HEARINGS: SPECIAL USE PERMITS/ZONING MAP AMENDMENTS/ RESOLUTIONS

26. **Public Hearing to Name and Address Rileys Way and Becks Lane.**

Chairman Williams opened the Public Hearing at 8:49 pm. Pender County Addressing Coordinator Jan Dawson explained: Under the authority and provision of the General Statutes of North Carolina, Chapter 153A-239.1, a county may by ordinance name a road and reassign street numbers for use on such a road. The statute requires that a public hearing be held on the matter. According to Article III, Section 302 A., of the Pender County Road Naming Ordinance, when a public or private road provides access to more than 3 residences, businesses, industries, or combinations thereof, regardless of the length of such road, a road name shall be assigned. The property owners shall provide Pender County a petition with the proposed road name. According to Article I, Section 103 of the Pender County Property Addressing and Display Ordinance, as conditions merit, such official numbers may be changed upon proper official notice to the property owner and public agencies. There are four existing structures and 1 new structure between the two roadways. Ms. Dawson stated that there was no opposition to this naming. Ms. Dawson asked that the Board approve the naming and addressing of Rileys Way with the number range of 1-254 and the naming and addressing of Becks Lane with the number range of 1-232. There being no discussion, Mr. Brown made a motion to approve the Resolution. Mr. Tate seconded the motion and it was unanimously approved.

27. **Resolution to Amend the Pender County Unified Development Ordinance, Section 5.2.3 to add Solid Waste Compost Facilities as a permitted use in the GB, General Business zoning district.**

Chairman Williams opened the Public Hearing at 8:52 pm. Senior Planner Megan O'Hare explained: Four Points Recycling, applicant, is requesting approval of a zoning text amendment to the Pender County Unified Development Ordinance. The request is to amend Section 5.2.3 to add other Nonhazardous Waste Treatment and Disposal as a permitted use in the GB, General Business Zoning District. The following text amendment is the result of the absence of compost facilities as a by-right use in the GB which shall be classified as NAICS, North American Industry Classification System Number 562219 for Other Nonhazardous Waste Treatment and Disposal in the Pender County Unified Development Ordinance. The Planning Board and Administrator recommending denial of this request or a change of the proposed amendment to the UDO as described in the report given to the Board. Ms. O'Hare reviewed proposed amendment by the applicant as well as the detailed staff recommendations to the Board. Mr. Williams asked about the rock crushing compared to the composting of debris. Ms. O'Hare explained that the type of machinery used for the crushing of rock is not allowed in the General Business District. Ms. O'Hare also discussed yard debris disposal as designated by Pender County. Mr. Thurman advised the Board that when voting on this amendment that they realize this will affect the county as a whole and that this is not a Special Use Permit. Mr. Thurman introduced Mr. Robert Kenan, attorney for the applicant who introduced Ray Peele, Owner of Four Points Recycling and Caroll Raynor who works with Mr. Peele. Mr. Kenan explained how Four Points Recycling works along with the benefits of the facility for Pender County. Mr. Peele also stated his case as to why his business is beneficial to Pender County and the need for it. Discussion ensued regarding why the business was not able to apply for a Special Use Permit and the ramifications of approving a Zoning Text Amendment with regard to the current zoning district; other options for zoning and permitting; and how this case has gotten to the point it has with regards to complaints, and other denials. There being no further discussion, Mr. Tate made a motion to amend the UDO to permit the requested use by Special Use Permit in the General Business district excluding crushed rock. Mr. Piepmeyer seconded the motion and it was unanimously approved.

28. **Resolution to Approve a Special Use Permit (SUP) for the Construction and Operation of a Telecommunication Facility.**

Chairman Williams opened the Public Hearing at 9:30 pm and Mr. Thurman swore in witnesses. Senior Planner Megan O'Hare explained: Michael Doran, applicant, on behalf of U.S. Cellular, LLC, owner, is requesting approval of a Special Use Permit for the construction and operation of a telecommunication facility. The property is zoned RP, Residential Performance zoning district and according to the Pender County Unified Development Ordinance §5.2.3 Table of Permitted Uses; telecommunication facilities are permitted via Special Use Permit in the RP, Residential Performance zoning district. The property is located on Ashton Road (SR 1411) and may be further identified by Pender County PIN 3226-84-4854-0000. Ms. O'Hare stated that the tower is being replaced by US Cellular from a guide tower to a self-supporting tower and all requirements have been met. There being no discussion, Mr. McCoy made a motion to approve the Resolution. Mr. Tate seconded the motion and it was unanimously approved.

29. **Resolution Requesting Approval of Special Use Permit (SUP) for the Construction and Operation of an Electrical Engineering Service Office.**

Chairman Williams opened the Public Hearing at 9:34 pm and Mr. Thurman swore in witnesses. Senior Planner Megan O'Hare explained: David and Felecia Akerley, applicants and owners, are requesting approval of a Special Use Permit for the construction and operation of an electrical engineering service office. The property is zoned RP, Residential Performance zoning district and according to the Pender County Unified Development Ordinance §5.2.3 Table of Permitted Uses; professional, scientific, and technical services are permitted via Special Use Permit in the RP, Residential Performance zoning district. The property is located at 20764 U.S. Highway 17 North and may be further identified by Pender County PIN 4215-10-3026-0000. Ms. O'Hare stated that there are no changes being made from the previous approval. There being no discussion, Mr. Brown made a motion to approve the Resolution. Mr. Piepmeyer seconded the motion and it was unanimously approved.

30. **Resolution Requesting Approval of Special Use Permit (SUP) for the Expansion of an Existing Non-Metallic Mining Operation.**

Chairman Williams opened the Public Hearing at 9:36 pm and Mr. Thurman swore in witnesses. Planning Director Kyle Breuer explained: Joseph M. Shingleton, applicant and owner, is requesting approval of a Special Use Permit for the expansion of an existing non-metallic mining operation. The property is zoned RA, Rural Agricultural zoning district and according to the Pender County Unified Development Ordinance §5.2.3 Table of Permitted Uses; non-metallic mineral mining and quarrying is permitted via Special Use Permit in the RA, Rural Agricultural zoning district. The property is located at 66 Misty Lakes Drive (private) and may be further identified by Pender County PIN 3284-75-9789-000L. Mr. Breuer reviewed the history of the Special Use Permit adding the updated changes. Mr. Piepmeyer asked if there had been any non-compliance in the past. Mr. Breuer stated there had not been and the property owner has been in contact with both the State and County with any changes.

The following residents and others voiced their concerns:

> Joseph Shingleton, Applicant of 42 Misty Lakes Dr, Hampstead – Mr. Shingleton explained the history of his mine with regards to schedule, and previous complaints. Mr. Shingleton also discussed the benefits of the lake such as the Fire Departments being allowed to use the water for fires as they have in the past. Mr. Tate thanked the Shingleton's for this.

Bill Poletz of Wrangler Ln, Sneads Ferry – Represents Herman Prince, Project Manager; Mr. Poletz described the measures that have been taken to respect the environment and others traveling and living around the area.

Dennis Gershuwitz of 258 Highlands Dr, Hampstead – Mr. Gershuwitz stated that he is on the Board of Directors of the Castle Bay HOA. Has concerns about this mine regarding air quality, South Topsail Elementary School hours and busses, number of trucks in and out of the area. Mr. Tate asked about the air quality and whether he had an epidemiologist report to support his finding. Mr. Gershuwitz stated that that he had a report that states OSHA but he cannot certify it.

Jim Higgs of 562 Castle Bay Dr, Hampstead – Mr. Higgs stated that he has the same concerns as Mr. Gershuwitz and just wanted to back his comments.

David Smith of Pender County Schools – Mr. Smith stated that he was not speaking in opposition of the mine but voiced his concerns regarding school traffic and requested that consideration be made to traffic and trucks not be on the road between the hours of 7am and 8am in the morning and from 2:15 pm to 3:30 pm.

Joseph Shingleton – Mr. Shingleton spoke regarding airborne pathogens and that there are tarps that cover the trucks to help prevent them.

There being no further witnesses or discussion, Mr. Piepmeyer made a motion to approve the item giving consideration to Mr. Smith's comments in regards to the schools traffic and high volume times. Mr. Brown seconded the motion and it was unanimously approved.

ITEMS FROM THE COUNTY COMMISSIONERS

Mr. Tate – Mr. Tate has an item from the Raynor Family and Mr. Tate stated that he will forward the information to Mr. Woodruff.

Mr. Brown – Mr. Brown suggested that the Commissioners take a look at Representative Millis's report in regards to Homeowners Insurance. Mr. Williams stated that Representative Millis is also working on the Highway 17 Bypass.

Mr. Piepmeyer – Asked Mr. Woodruff about the Retreat in regards to any negative feedback. Mr. Woodruff stated that there was no negative feedback and the Retreat times will be 5-9pm on Thursday, March 26, 2015 and Friday, March 27, 2015 all day. The Commissioners decided to hold the Retreat at the Hampstead Annex on those dates.

Mr. Williams – Asked if Mr. Don Hall could serve as Pender County's appointee for the Coastal Care Board. Mr. Hall recommended that Mr. Piepmeyer continue to attend until the merger is complete and agreed to be the appointee for Pender County.

CLOSED SESSION

At 10:14 p.m., Mr. Brown made a motion to enter back into closed session, pursuant to NCGS 143-318.11: 3) to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby

acknowledged. General policy matters may not be discussed in a closed session and nothing herein shall be construed to permit a public body to close a meeting that otherwise would be open merely because an attorney employed or retained by the public body is a participant. The public body may consider and give instructions to an attorney concerning the handling or settlement of a claim, judicial action, mediation, arbitration, or administrative procedure. If the public body has approved or considered a settlement, other than a malpractice settlement by or on behalf of a hospital, in closed session, the terms of that settlement shall be reported to the public body and entered into its minutes as soon as possible within a reasonable time after the settlement is concluded; 6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee. General personnel policy matters may not be considered in a closed session. A public body may not consider the qualifications, competence, performance, character, fitness, appointment, or removal of a member of the public body or another body and may not consider or fill a vacancy among its own membership except in an open meeting. Final action making an appointment or discharge or removal by a public body having final authority for the appointment or discharge or removal shall be taken in an open meeting. Mr. McCoy seconded the motion and it was unanimously approved. The Board exited the Closed Session at approximately 10:49 p.m. There were no announcements made upon exiting the Closed Session.

ADJOURNMENT

There being no further business, the meeting adjourned at 10:49 p.m.

Respectfully Submitted,

Melissa Pedersen

Melissa Pedersen, Deputy Clerk to the Board

Reviewed By:

Randell Woodruff, Clerk to the Board/Ann Coombs, Administrative Assistant

Planning Reviewed By:

Planning Staff